

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

04-12-0

CIVIL ACTION NO.: 04 12364 JLT

ERIK SHEEHAN,
Plaintiff

v.

**VERIZON COMMUNICATIONS, INC., LAURA
CARDINALE, LISA DAMASK, CAROLYN DRISCOLL,
PAUL MCGOVERN, LINDA RICHELSON, DOREEN
TOBEN, and DOUG WILDER,**
Defendants

**PLAINTIFF'S MOTION TO REMAND THIS CASE
TO THE SUPERIOR COURT OF MASSACHUSETTS**

Now comes the Plaintiff, Erik Sheehan, in the above-named action, appearing specially to contest the jurisdiction of this Court in this action while not submitting himself or this case to this Court's jurisdiction, and hereby respectfully moves this Court to remand this case to the Superior Court for the Commonwealth of Massachusetts.

As grounds therefore, the Plaintiff respectfully submits that this Court lacks jurisdiction because complete diversity between the Parties does not exist. The Notice to Remove was filed while colorable claims against the Defendants Laura Cardinale, Lisa Damask, Carolyn Driscoll, Paul McGovern, Linda Richelson, Doreen Toben, and Doug Wilder are pending. At least one of these Defendants is currently domiciled in the Commonwealth of Massachusetts. The Plaintiff is

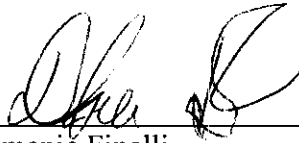
domiciled in the Commonwealth of Massachusetts. Therefore, diversity jurisdiction does not exist.

In support of this Motion, the Plaintiff relies on the Memorandum of Law attached hereto and incorporated herein.

RESPECTFULLY SUBMITTED,

ERIK SHEEHAN

by his attorney,

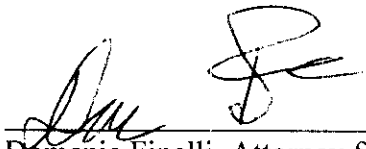


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DATED: November 29, 2004

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1, Plaintiff requests an oral argument on his Motion, and states that hearing on his Motion should not take more than thirty (30) minutes.



Domenic Finelli, Attorney for Plaintiff

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Pursuant to Local Rule 7.1(A)(2), I, Domenic Finelli, hereby certify that, on November 29, 2004, my office contacted Defendants' counsel, Windy L. Rosebush in a good faith attempt

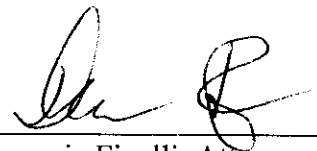
to resolve or narrow the issues presented in this Motion. Attorney Rosebush indicated that the Defendants would not assent to the Plaintiff's Motion to Remand.



Domenic Finelli, Attorney for Plaintiff

CERTIFICATE OF SERVICE

I, Domenic Finelli, Attorney for the Plaintiff, hereby certify on this 29th day of November, 2004, I caused a copy of the foregoing document to be served via first-class mail, to Windy L. Rosebush, Esq., Edwards & Angell, LLP, 101 Federal Street, Boston, MA 02110.



Domenic Finelli, Attorney for the Plaintiff